

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 97-476-C - ORDER NO. 98-755  
OCTOBER 1, 1998

IN RE: Application of Myrtle Beach Telephone, ) ORDER ✓  
L.L.C. for a Certificate of Public Convenience )  
and Necessity to Provide Intrastate )  
Interexchange, Local Exchange, and )  
Exchange Access Telecommunications )  
Services within the State of South Carolina. )

By letter dated August 5, 1998, and received in the offices of the Public Service Commission of South Carolina ("Commission") on August 6, 1998, Myrtle Beach Telephone, L.L.C. ("MBT") filed a notice of intent to provide local telecommunications services within the service area of Horry Telephone Cooperative, Inc. ("HTC"). The Notice stated that it was filed in accordance with the Stipulation entered into by MBT and the South Carolina Telephone Coalition ("SCTC") and approved by the Commission in Order No. 98-101, dated February 11, 1998. The Notice further stated that after thirty days MBT intended to provide local telecommunications services within the service area of HTC and requested that HTC provide to MBT interconnection, services, and network elements pursuant to Section 251 of the Telecommunications Act of 1996 ("Act") and Section 58-9-280 of the Code of Laws of South Carolina, as amended.

By Return, dated and filed with the Commission on September, 4, 1998, HTC submits that MBT's request was so vague and general as not to constitute a bona fide request for interconnection, services, or network elements, as contemplated by the

Telecommunications Act of 1996. HTC further submitted that it was not possible for HTC, or the Commission, to evaluate the request and make a determination regarding whether the request “is not unduly economically burdensome, is technically feasible, and is consistent with [universal service principles],” as required by the Act. Horry also submitted that it was unable to respond to MBT’s request and that HTC did not consider MBT’s filing as a bona fide request for the purposes of the Act. HTC requested that the Commission enter a ruling that MBT’s filing did not constitute a bona fide request under the Act and to find that the request was vague and incapable of being evaluated in sufficient detail to make the statutory findings required by law before HTC’s rural exemption could be terminated.

By Response dated September 15, 1998, MBT submitted that its request is bona fide and that HTC’s argument on vagueness was an attempt to delay competition. However, MBT, in order to eliminate HTC’s vagueness objection, made a formal request for interconnection, service, and network elements.

Staff informs the Commission that MBT and HTC have now agreed to treat MBT’s Response dated September 15, 1998, as the bona fide request for interconnection, services, and network elements pursuant to Section 251 of the Telecommunications Act of 1996, and that the thirty day notice required under the Stipulation between MBT and HTC and approved in Commission Order No. 98-101, dated February 11, 1998, would also begin on September 15, 1998.

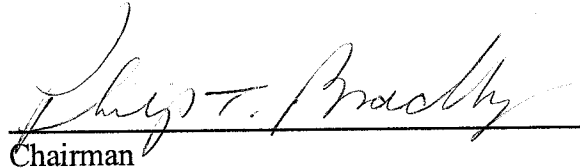
Upon consideration of this matter, the Commission finds and concludes that the agreement of MBT and HTC that the September 15, 1998, Response of MBT should be

viewed as the bona fide request by MBT for interconnection, services, and network elements pursuant to Section 251 of the Telecommunications Act of 1996 should be, and hereby is, approved. Therefore, pursuant to the Stipulation approved in Order No. 98-101, dated February 11, 1998, HTC is provided thirty days notice from September 15, 1998, during which time HTC will have the opportunity to exercise all rights afforded it under Federal and State law.

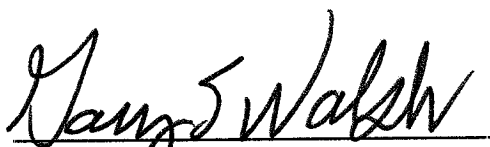
This Order shall remain in full force and effect until further Order of the Commission.

IT IS SO ORDERED.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Acting Executive Director

(SEAL)